

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 7
DECADE, S.A.C., LLC, et al.,	:	Case No. 18-11668 (CSS)
Debtors.	:	(Jointly Administered)
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AARON GOODWIN, REGINA GOODWIN, and ERIC GOODWIN,	:	
Appellants,	:	
v.	:	C. A. No. 20-170-MN Adv. No. 19-50095 (CSS)
DAVID W. CARICKHOFF, in his capacity as Chapter 7 Trustee for the Estate of Decade S.A.C., LLC and Gotham S&E Holding, LLC,	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **27th** day of **February, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern
Mediation of Appeals from the United States Bankruptcy Court for this District dated
September 11, 2012, the court conducted an initial review, which included information
from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues
involved in this case are not amenable to mediation and mediation at this stage would
not be a productive exercise, a worthwhile use of judicial resources nor warrant the
expense of the process.

Appellants appealed from the Order entered by the Honorable Brennan Shannon on January 29, 2020. Previously, the parties engaged in mediation before the Honorable Andrew J. Peck (ret.). The parties and counsel attend an in-person mediation session on September 27, 2019 which did not resolve their dispute. Since the appeal raises issues of law which are unlikely to be resolved through mediation in this Court, the parties request that this matter be removed from mandatory mediation.

The parties also propose the following briefing schedule on this appeal:

Appellants' Opening Brief	30 days after entry of an order withdrawing this matter from mediation
Appellee's Answering Brief	30 days after the filing of Appellants' Opening Brief
Appellants' Reply Brief	14 days after the filing of Appellee's Answering Brief.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since this Recommendation is consistent with the parties' request, no objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyne
Chief U.S. Magistrate Judge